

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2300**

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**Introduced by Assembly Member Emmerson**

February 18, 2010

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An act to *amend Section 124981 of, and to add Section 124982 to,* the Health and Safety Code, relating to genetic counselors.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2300, as amended, Emmerson. Genetic counselors.

Existing law, the Hereditary Disorders Act, requires the State Department of Public Health to establish hereditary disorder programs, 100 specified, and to license master level genetic counselors and doctoral level geneticists. One of the requirements for licensure is that an individual demonstrate competence by a examination administered or approved by the department. Existing law prohibits an unlicensed person from using the title of genetic counselor.

*This bill, until regulations are finalized by the department, would require the department to license genetic counselors who meet specified requirements and would allow the department to revoke licenses issued pursuant to these requirements upon the person losing certification by the American Board of Genetic Counseling or upon conviction of certain felonies, as defined.*

This bill would *also* require, on and after July 1, 2011, the department to issue a temporary genetic counselor license, valid for ~~one year~~ 24 months, to a person who meets all of the requirements for licensure

except passing the above-described examination *and who has applied for the first available certification examination or has certified that he or she will apply to take the examination within one year.* The bill would require a person working under a temporary genetic counselor license to work under the general supervision of a licensed genetic counselor or a licensed physician and surgeon. *The bill would allow the department to revoke a temporary genetic counselor license upon the conviction of certain felonies, as defined.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 124981 of the Health and Safety Code is*  
2     *amended to read:*  
3     124981. (a) No person shall use the title of genetic counselor  
4     unless the person has applied for and obtained a license from the  
5     department.  
6     (b) The applicant for a genetic counselor license shall meet  
7     minimum qualifications that include but are not limited to ~~all~~ *both*  
8     of the following:  
9     (1) Has earned a master's degree or above from a program  
10    specializing in or having substantial course content in genetics.  
11    (2) Has demonstrated competence by an examination  
12    administered or approved by the department.  
13    (c) The license shall be valid for three years unless at any time  
14    during that period it is revoked or suspended. The license may be  
15    renewed prior to the expiration of the three-year period.  
16    (d) To qualify to renew the license, a licenseholder shall have  
17    completed 45 hours of continuing education units during the  
18    three-year license renewal period. At least 30 hours of the  
19    continuing education units shall be in genetics.  
20    (e) The license fee for an original license and license renewal  
21    shall not exceed two hundred dollars (\$200).  
22    (f) *Until the department has finalized regulations that are needed*  
23    *to implement subdivision (b), the department shall license, upon*  
24    *application and payment of the application fee specified in*  
25    *subdivision (e), a genetic counselor applicant who meets the*  
26    *requirements of subdivision (b), is currently credentialed and in*  
27    *good standing with the American Board of Genetic Counseling,*

1 *and has no history of disciplinary action by the board. When the*  
2 *department has finalized the regulations needed to implement*  
3 *subdivision (b), genetic counselors who have received a license*  
4 *pursuant to this subdivision shall be subject to the regulations*  
5 *implementing this section and Sections 124980 and 124982, and*  
6 *this subdivision shall become inoperative.*

7 *(g) The department may revoke the license of a genetic counselor*  
8 *who is licensed pursuant to subdivision (f) if either of the following*  
9 *occur:*

10 *(1) The counselor loses his or her credential granted by the*  
11 *American Board of Genetic Counseling or is placed on*  
12 *probationary status.*

13 *(2) The counselor has been convicted of a felony charge that is*  
14 *substantially related to the qualifications, functions, or duties of*  
15 *a genetic counselor. A plea of guilty or nolo contendere to a felony*  
16 *charge shall be deemed a conviction for the purposes of this*  
17 *paragraph.*

18 **SECTION 1.**

19 **SEC. 2.** Section 124982 is added to the Health and Safety Code,  
20 to read:

21 124982. (a) On and after July 1, 2011, the department shall  
22 issue a temporary genetic counselor license ~~valid for one year~~ to  
23 a person to practice as a licensed genetic counselor who meets ~~all~~  
24 ~~the both of the following:~~

25 *(1) The requirements for licensure set forth in subdivision (b)*  
26 *of Section 124981, except passing the certification examination*  
27 *as required by paragraph (2) of subdivision (b) of Section 124981.*

28 ~~(b) A person holding a temporary genetic counselor license who~~  
29 ~~fails the first available certification examination held by the ABGC~~  
30 ~~may reapply, no later than 30 days after the date of the examination,~~  
31 ~~on a one-time basis, for an additional temporary genetic counselor~~  
32 ~~license.~~

33 *(2) Either of the following requirements:*

34 *(A) The person has applied for the first available certification*  
35 *examination offered. The department may require an applicant*  
36 *for a temporary genetic counselor license to provide documentation*  
37 *of acceptance for the examination.*

38 *(B) The person meets the requirements to apply for the*  
39 *examination and certifies that he or she plans to apply to sit for*  
40 *the examination in the coming year. The department may require*

1 *an applicant to provide documentation showing registration for*  
2 *the examination when it is received by the applicant.*

3 *(b) A temporary genetic counselor license shall be valid for 24*  
4 *months and shall not be extended or renewed.*

5 *(c) Notwithstanding subdivision (a), a temporary license issued*  
6 *pursuant to this section shall expire upon any of the following*  
7 *events, whichever occurs earlier:*

8 *(1) The issuance of a license pursuant to Section 124981.*

9 *(2) Thirty days after notification of the department that an*  
10 *applicant has failed the certification examination, or on the date*  
11 *that the applicant applies and is granted an additional temporary*  
12 *license pursuant to subdivision (b).*

13 *(3) The expiration date on the temporary license.*

14 *(d) A person holding a temporary genetic counselor license*  
15 *issued pursuant to this section, shall be required to work under the*  
16 *general supervision of a licensed genetic counselor or a licensed*  
17 *physician and surgeon.*

18 *(e) The department may revoke the temporary license of a*  
19 *genetic counselor licensed pursuant to this section if the person*  
20 *has been convicted of a felony charge that is substantially related*  
21 *to the qualifications, functions, or duties of a genetic counselor.*  
22 *A plea of guilty or nolo contendere to a felony charge shall be*  
23 *deemed a conviction for the purposes of this subdivision.*